

REMARKS

Claims 5 through 24 are pending in this Application. Claims 1 through 4 have been canceled without prejudice or disclaimer. Claims 5 through 12 have been amended, and new claims 13 through 24 have been added. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, p. 6, second paragraph; p. 8, second and third paragraphs; and p. 10, first paragraph of the originally filed disclosure. Applicant submits that the present Amendment does not generate any new matter issue.

Personal Interview of February 17, 2010.

Applicant expresses appreciation for the Examiner's courtesy in granting and conducting a personal interview on February 17, 2010. During the interview, the Examiner indicated that the present claim amendments would overcome the objection and rejections of record. It is with that understanding that the present Amendment is submitted.

Claims 1 through 5, and 7 through 12 were rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann et al.* (US 5950125, "*Buhrmann*") in view of *Takeshi et al.* (JP 09-130861, "*Takeshi*").

In stating the rejection, the Examiner asserted that one having ordinary skill in the art would have been led to modify *Buhrmann's* location-dependent cellular service profile system by including *Takeshi's* mobile device that discloses its location to a server, to have the server provide services to the mobile device. Applicant respectfully traverses this rejection.

There are fundamental differences between the claimed inventions and the applied references that undermine the obviousness conclusion under 35 U.S.C. §103(a). Specifically, independent claims 5 and 7 recite, *inter alia*: “generating at a mobile station a message that is **distinct from location updates performed by a global positioning system (GPS) receiver** when the mobile station is roaming in cells of a cellular radio network and that **indicates the mobile station has detected that it is in a localized service area defined independently from cells**, the message being generated by the mobile station without action by a user of the mobile station; causing, at least in part, transmission of the message to a base station covering the localized service area; and causing, at least in part, reception of a service selection localized based upon the localized service area and offered to said mobile station by a communications system including the base station.” These features are neither disclosed nor suggested by *Buhrmann* and *Takeshi*, as acknowledged by the Examiner during the personal interview.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejection of claims 1 through 5, and 7 through 12 under 35 U.S.C. §103(a) for obviousness based on *Buhrmann* in view of *Takeshi* is not factually or legally viable and, hence, solicits withdrawal thereof.

Claims 6 was rejected under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann* in view of *Takeshi* and *Alperovich et al.* (US 5819180, “*Alperovich*”).

This rejection is respectfully traversed.

Specifically, claim 6 depends from independent claim 5. Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of independent claim 5 under 35 U.S.C. §103(a) for obviousness predicated upon *Buhrmann* in view of *Takeshi*. The additional reference to *Alperovich* does not cure the previously argued deficiencies in the attempted combination of *Buhrmann* and *Takeshi*. Accordingly, even if the applied references were combined as proposed by the Examiner, and again Applicant does not agree that the requisite fact-based motivation has been established, the claimed inventions would not result. *See Uniroyal, Inc. v. Rudkin-Wiley Corp., supra*. Applicant therefore submits that the above-identified rejection encompassing claim 6 under 35 U.S.C. 103(a) are not factually or legally viable and, hence, solicits withdrawal thereof.

New Claims 13 through 24.

New independent claim 22 recite features similar to those in independent claim 5 and, hence, are free of the applied prior art for reasons advocated *supra* with respect to independent claim 5.

New claims 13 through 19 depends from independent claim 7, new claim 20 and 21 depends from independent claim 5; and new claims 23 and 24 depends from independent claim 22. Applicant submits that claims 13 through 21, 23, and 24 are free of the applied prior art for reasons advocated *supra* with respect to independent claims 5, 7, and 22.

Accordingly, claims 13 through 24 are free of the applied prior art.

Based upon the foregoing, it is apparent that the imposed rejections have been overcome, and that all pending claims are in condition for allowance. Favorable consideration is therefore

solicited. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-822-7186 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

March 1, 2010
Date

/Chih-Hsin Teng/
Chih-Hsin Teng
Attorney for Applicant(s)
Reg. No. 63168

918 Prince Street
Alexandria, VA 22314
Tel. (703) 822-7186
Fax (703) 519-9958